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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

John S. Melcer  
Licensee of Radio Station K3UN  
New Castle, Pennsylvania

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File No. EB-09-PA-0246

NOV No. V201032400012

**NOTICE OF VIOLATION**

**Released: December 15, 2009**

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules<sup>1</sup> to John S. Melcer, the licensee of Amateur Radio Service station K3UN in New Castle, Pennsylvania.
2. The Enforcement Bureau's Philadelphia Office received a complaint alleging intentional interference to amateur radio communications on the 146.625/146.025 MHz repeater (Call sign WA3VRD). In response, on November 19, 2009, an agent from the Philadelphia Office used mobile direction finding techniques to locate the source of interference to the residence of John Melcer in New Castle, Pennsylvania. The agent monitored the radio transmissions on the frequency 146.025 MHz from Melcer's amateur radio station and observed the following violations:
  - a. 47 C.F.R. § 97.119(a): "Each amateur station, except a space station or telecommand station, must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly marking the source of the transmissions from the station known to those receiving the transmissions. No station may transmit unidentified communications or signals, or transmit as the station call sign, any call sign not authorized to that station." On November 19, 2009 between 7:00 p.m. and 8:15 p.m., John Melcer made numerous unidentified transmissions on the frequency 146.025 MHz.
  - b. 47 C.F.R. § 97.101(d): "No amateur operator shall willfully or maliciously interfere with or cause interference to any radio communications or signal." The transmissions from John Melcer's station caused harmful interference to communications in progress on the 146.625 MHz/146.025 MHz repeater (Call Sign WA3VRD).

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<sup>1</sup>47 C.F.R. § 1.89.

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- c. 47 C.F.R. § 97.113(b): “An amateur station shall not engage in any form of broadcasting, nor may an amateur station transmit one-way communications except as specifically provided in these rules...”  
On November 19, 2009 between 7:00 p.m. and 8:15 p.m., John Melcer broadcasted music and one-way communications on the frequency 146.025 MHz.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, John Melcer must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by John Melcer. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:
- Federal Communications Commission  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047
4. This Notice shall be sent to John Melcer at his address of record.
5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro  
District Director  
Philadelphia District Office  
Northeast Region  
Enforcement Bureau

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<sup>2</sup>47 U.S.C. § 308(b).

<sup>3</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup>18 U.S.C. § 1001 *et seq.*